



Environmental Fact Sheet

PROPOSED RULEMAKING FOR CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS AT HAZARDOUS WASTE MANAGEMENT FACILITIES

This proposed rule is intended to establish a comprehensive set of procedural and technical standards for investigation and cleanup of facilities that receive permits for managing hazardous wastes under the Resource Conservation and Recovery Act (RCRA). The proposal will provide a consistent regulatory framework for making cleanup decisions at thousands of industrial facilities across the United States, and will provide impetus for an increased State role in this important environmental cleanup program.

BACKGROUND

In 1984, amendments to RCRA provided broad new mandates to address cleanup, or "corrective action," at facilities engaged in management of hazardous wastes, and therefore, subject to regulation under Subtitle C of RCRA. Prior to 1984, the primary focus of the RCRA program was one of "prevention," that is, ensuring that newly generated hazardous wastes were managed properly by industrial handlers, in order to avoid creating new contamination problems and new Superfund sites. Since the 1984 amendments, however, the corrective action program under RCRA has been a critical component of the Agency's overall hazardous waste regulatory program. The scope and mandate of the corrective action program, and the types of environmental problems that it will address, are comparable in many respects to the Environmental Protection Agency's (EPA) Superfund program.

Under Section 3004(u) of RCRA, all permits issued after 1984 must address corrective action for the entire facility. Section 3004(v) established the authority to require owners/operators to clean up environmental releases that migrate outside a facility's boundary. Section 3008(h) provides a parallel enforcement authority to initiate corrective actions at facilities that have interim status (i.e., that have not been issued permits under RCRA).

To date, more than 600 permits and enforcement orders have been issued to facilities to initiate remedial studies and actual cleanup actions. The Agency estimates that, ultimately, between 3,000 and 4,000 facilities will require corrective actions of some kind. The types of industries that will potentially be affected by the corrective action rule are highly diverse, and include chemical manufacturing, petroleum refining, and many others. Approximately 350 Federal facilities—primarily those owned by the Departments of Defense and Energy—are also potentially subject to corrective action requirements.

The types of environmental problems that are being addressed under the RCRA corrective action program also vary widely. Many RCRA facilities are very large industrial complexes, with numerous historical waste management units, and serious, complex contamination problems affecting ground water, surface water, soils, and air. These facilities are equivalent in scale—and in the potential risks they pose to the environment and to human health—to the sites being addressed under the Agency's Superfund program. On the other hand, many RCRA facilities have only minor releases, and will lend themselves to relatively straightforward cleanup solutions.

To date, EPA has been imposing requirements on facility owners/operators to investigate and clean up releases on a case-by-case basis, with limited guidance. Thus, the primary objective of today's proposed rule is to set forth a clear and comprehensive set of standards and procedures that will provide a more consistent approach to investigating and making cleanup decisions at these facilities. In addition, the proposed rule will provide an opportunity for the regulated industry to comment on the specific aspects of the Agency's regulatory approach to corrective action. The rule should also serve to encourage States to assume a larger role and to seek authorization for the corrective action program.

ACTION

Following are key provisions of the proposed rule.

- **Definitions.** The proposal defines several terms which are important to defining the scope and coverage of the rule: *facility*, *release*, and *solid waste management unit (SWMU)*.
- **Process.** The proposal outlines a highly flexible process for performing investigations and making remedial decisions. There is a strong emphasis placed on streamlining investigations, focusing studies on plausible solutions, and taking early actions ("interim measures") to start cleanups as soon as possible. A new permit modification procedure is also proposed, which will provide a mechanism for resolving disputes between the Agency and owners/operators.

- **Cleanup Standards.** The proposal specifies how numerical cleanup standards for different environmental media are to be established, and identifies "points of compliance," that is , where the cleanup standards must be met. The rule proposes a 10^{-4} to 10^{-6} risk range for carcinogens, and a point of compliance for ground water at the unit boundary.
- **Remedy Selection.** Four standards for remedies and a set of decision factors which will allow remedies to be tailored to fit facility conditions are proposed. These remedy selection requirements are designed to be flexible, and to result in cleanups that are consistent with Superfund remedies.
- **Waste Management Standards.** The proposal outlines specific requirements for how hazardous and nonhazardous wastes must be managed in the course of cleaning up facilities. These requirements will ensure that adequate controls are placed on wastes that are stored, treated, or disposed during cleanup operations.

CONCLUSION

This proposed rulemaking provides a clear articulation of EPA's expectations for remedying environmental problems at thousands of hazardous waste facilities across the United States. It should significantly enhance the Agency's ability to effectively and expeditiously implement this major environmental cleanup program.

CONTACT

For more information or to receive a copy of the *Federal Register* notice, please contact the RCRA Hotline, Monday-Friday, 8:30 a.m. to 7:30 p.m., EST. The national toll-free number is (800) 424-9346; for the hearing impaired, it is TDD (800) 553-7672. In Washington, D.C., the number is (202) 382-3000 or TDD (202) 475-9652.

Copies of documents applicable to this proposal may be obtained by writing: RCRA Information Center (RIC), U.S. Environmental Protection Agency, Office of Solid Waste (OS-305), 401 M Street SW, Washington, D.C. 20460.

